

1094

PEOPLES FERTILIZER COMPANY,  
A Corporation,

Plaintiff,

vs.

MORRIS TAYLOR,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE

This day came the Plaintiff by Chason & Stone, its attorneys, and the Defendant, being called, came not; and it appearing to the Court that on September 27, 1948, a judgment was rendered in favor of the Plaintiff and against the Defendant in the sum of Six Thousand Three Hundred Forty-two Dollars and Seventy-one Cents (\$6,342.71) together with the sum of Fifteen Dollars and Fifty-five Cents (\$15.55) court cost and it further appearing to the Court that such judgment has not been paid and that the Plaintiff has filed its petition to revive such judgment and the Defendant having been served as required by law on October 2<sup>nd</sup>, 1958, failed to appear and contest the revival of such judgment.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff's motion to revive said judgment and to have execution issued thereon, be, and the same hereby is granted, and that said judgment be and the same is hereby revived in the name of Peoples Fertilizer Company, a corporation, the Plaintiff in said cause and against Morris Taylor, the Defendant in said cause, for the sum of Six Thousand Three Hundred Forty-two Dollars and Seventy-one Cents (\$6,342.71) together with the interest thereon from the date of such judgment and together with the costs in this behalf expended and for all of which let execution issue.

Done this the 4 day of November, 1958.

Robert M. Stan  
Judge

1094

ORDER TO REVIVE

PEOPLES FERTILIZER COMPANY, A  
CORPORATION,

Plaintiff,

vs.

MORRIS TAYLOR,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE

FILED  
NOV. 14 1958  
ALICE J. DUCK, Clerk

LAW OFFICES  
**CHASON & STONE**  
BAY MINETTE, ALABAMA

STATE OF ALABAMA  
BALDWIN COUNTY

X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve the within Writ personally on Morris Taylor.

Witness my hand this the 2 day of October, 1958.

Willie J. Bucke  
Clerk

PEOPLES FERTILIZER COMPANY,  
A Corporation,

Plaintiff,

vs.

MORRIS TAYLOR,

Defendant.

X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE

TO: MORRIS TAYLOR:

You will take notice that the Plaintiff in the above styled cause has filed a petition in the Circuit Court of Baldwin County, Alabama, to revive a judgment rendered on September 27, 1948, against you and in favor of such Plaintiff, in the sum of Six Thousand Three Hundred Forty-two Dollars and Seventy-one Cents (\$6,342.71) debt and Fifteen Dollars and Fifty-five Cents (\$15.55) costs of Court, being Cause Number 1094.

NOW, THEREFORE, you are hereby notified to show cause, if any you have, why said judgment should not be revived against you within thirty days after the date of service of this Writ.

Witness my hand this the 2 day of Oct, 1958.

Willie J. Bucke  
Clerk

WRIT OF SCIRE FACIAS

PEOPLES FERTILIZER COMPANY,  
A CORPORATION,

Plaintiff,

vs.

MORRIS TAYLOR,

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE

FILED  
OCT 2 1958  
ALICE J. DUCK, CLERK  
REGISTER

LAW OFFICES  
CHASON & STONE  
BAY MINETTE, ALABAMA

Given 2 day of Oct 1958  
on 2 day of Oct 1958  
Given a copy of the within about  
Morris Taylor  
service on \_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
By W. A. Zolbert D. S.

PEOPLES FERTILIZER COMPANY,	I	
a corporation,	I	IN THE CIRCUIT COURT OF
	I	BALDWIN COUNTY, ALABAMA
Plaintiff,	I	
vs.	I	LAW SIDE
MORRIS TAYLOR,	I	
Defendant.	I	

TO: THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT:

Now comes the Peoples Fertilizer Company, a corporation, the Plaintiff in the above styled cause and shows unto this Court as follows:

The Plaintiff is the owner of a judgment obtained by it in this Court in cause number 1094 against the Defendant Morris Taylor. That a judgment was rendered in favor of the Plaintiff and against the Defendant on Promissory Waive note on September 27, 1948 for the sum of Six Thousand Three Hundred Forty-two Dollars and Seventy-one Cents (\$6,342.71) debt and Fifteen Dollars Fifty-five Cents (\$15.55) cost of court. That no payment has been made on such judgment or the court cost, except for payment of costs by the Plaintiff and such judgment remains unsatisfied. That an execution was issued against the Defendant on November 10, 1948, for the sum of Six Thousand Three Hundred Fifty-nine Dollars and Eighty-six Cents (\$6,359.86) as the debt and cost of such and such execution was returned to this Court on January 5, 1949 with the endorsement by the Sheriff of Baldwin County, Alabama, that he found no property of the Defendant upon which he could levy.

WHEREFORE, the Plaintiff prays that a Writ of Scire Facias issue out of this Court requiring the Defendant Morris Taylor to show cause, if any he has, within thirty (30) days after the service of such Writ, why said judgment should not be in all things revived, and execution issue on the same, and that upon the hearing of this petition, if no legal reason be shown why said judgment should not be revived, an order reviving the same be entered with provisions for execution.

Upon consideration of the foregoing petition or motion it is ordered that a Writ of Scire Facias be issued by the Clerk of this Court to Morris Taylor in the manner and form provided by law.

Done this the 2 day of October, 1958.

Hubert M. Stace  
Judge

109472  
PETITION TO REVIVE JUDGMENT

PEOPLES FERTILIZER COMPANY, A  
CORPORATION,

Plaintiff,

VS.

MORRIS TAYLOR,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE

FILED  
OCT 2 1958  
ALICE I. DUCK, CLERK  
REGISTER

LAW OFFICES  
**CHASON & STONE**  
BAY MINETTE, ALABAMA

Received 2 day of Oct 1958  
and on 2 day of Oct 1958  
served a copy of the within Petition  
on Morris Taylor

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By W. A. Talbot D. S.

0 mi

PEOPLES FERTILIZER COMPANY,  
Plaintiff,

vs.

MORRIS TAYLOR,  
Defendant,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE.  
No. 1094

INTERROGATORY NO. 1:- Yes.

INTERROGATORY NO. 2:- The said Mortgage is dated February 26, 1946, and secured a debt of \$4,863.35, and the other Mortgage is dated February 8, 1947, and secured a debt of \$5,060.00.

INTERROGATORY NO. 3:- Both Mortgages secures a part of the same indebtedness.

INTERROGATORY NO. 4:- No.

INTERROGATORY NO. 5:- \$5,060.00 with interest and attorney's fee.

INTERROGATORY NO. 6:- Yes.

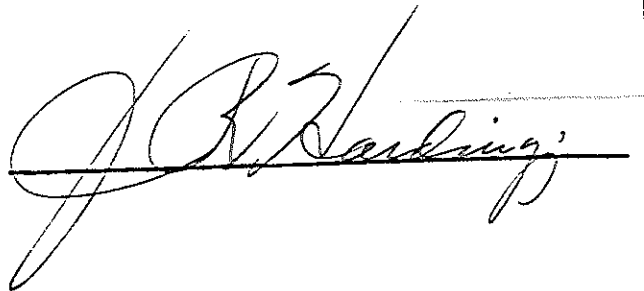
INTERROGATORY NO. 7:- There is attached hereto an itemized statement of the amount and kind of fertilizer sold the Defendant by the Plaintiff, the dates of sale and the amount due thereunder.

INTERROGATORY NO. 8:- The defendant was given a credit of \$1,000.00 for a cash payment made August 1, 1946 and a discount of 10% for a total credit of \$1111.11.

INTERROGATORY NO. 9:- Yes.

INTERROGATORY NO. 10:- Yes.

INTERROGATORY NO. 11:- General duties of Vice-president and general manager.



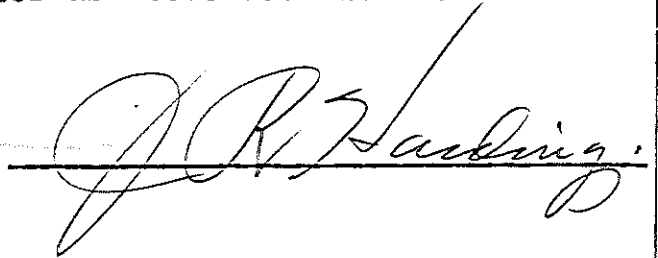


STATE OF ALABAMA

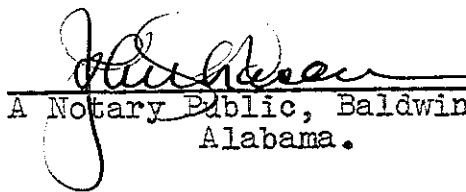
BALDWIN COUNTY

Before me, John Chason, a Notary Public, in and for said State and County, personally appeared J. R. Harding, who is known to me and who, after being duly and legally sworn doth depose and say, under oath, as follows:

That his name is J. R. Harding; that he is Vice-president and general manager of Peoples Fertilizer Company, a corporation, the Plaintiff in the above styled cause; that he is cognizant of the facts inquired about in the instrument propounded by the Defendant to the Plaintiff in the above styled cause; that his answers to such interrogatories as above set out are true and correct.

  
\_\_\_\_\_

Sworn to and subscribed before me  
this 2 day of April, 1948.

  
\_\_\_\_\_  
A Notary Public, Baldwin County  
Alabama.

February 25, 1946.

Morris Taylor,

Bay Minette, Alabama

In Account With

PEOPLES FERTILIZER COMPANY

Foley, Alabama

---

1946			
Jan. 7	5. tons	4-10-7	Del.
21	1. ton	Nit-Soda	"
21	10. tons	4-10-7	
21	6. tons	4-10-7	
	4. tons	4-10-7	
22	10. tons	4-10-7	
29	8. tons	4-10-7	
30	10. tons	4-10-7	

---

Feb. 1	10. tons	4-10-7
55	16. tons	4-10-7
13	6. tons	4-10-7
14	6. tons	4-10-7
15	6. tons	4-10-7
15	5. tons	4-10-7
15	6. tons	4-10-7
16	5. tons	4-10-7
18	5. tons	4-10-7
18	5. tons	4-10-7
19	5. tons	4-10-7
22	5. tons	4-10-7
25	5. tons	4-10-7
	<u>144. tons</u>	

139 tons 4-10-7 @ 35.22	\$4895.58
4 tons 4-10-7 @ 33.08	132.32
1 ton Nit Soda 40.95	40.95
<u>144 tons</u>	<u>\$5068.85</u>
less hauling 137 tons @ \$1.50	205.50

\$4863.35

May 10, 1946.

Morris Taylor

Bay Minette, Alabama

In Account With

PEOPLES FERTILIZER COMPANY

Foley, Alabama.

1946

March 4

5

6

7

13

15

15

Statement rendered

5. tons 4-10-7

5. tons 4-10-7

5. tons 4-10-7

5. tons 4-10-7

5. tons 6-8-4

6. tons 6-8-4

6. tons 4-10-7

37. tons

\$4863.35

15. tons 4-10-7 @ 35.22.....\$ 528.30

11. tons 4-10-4 @ 33.08..... 363.88

11. tons 6-8-4 @ 35.94..... 395.34

37. tons \$1287.52

Less hauling @ 1.50 per ton..... 55.50

\$1232.02

Dealers license..... 1.00

1233.02

\$6096.37

Amount of Account

\$6357.37

Less Hauling @ \$1.50

261.00

\$6096.37

8/1/46 Credit by Cash

\$1000.00

Discount

111.11

1111.11

\$4985.26

Plus interest 90 days @ 6%

74.74

Note Due 4/15/47..... \$5060.00



PEOPLES FERTILIZER COMPANY,  
A CORPORATION,

PLAINTIFF,

VS.

MORRIS TAYLOR,

DEFENDANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

LAW SIDE NO. 1094.

Now comes the Defendant in the above styled  
cause and files this his demurrer to the Complaint filed in this  
cause and as grounds therefor assigns the following:-

FIRST: That said Complaint fails to state a cause  
of action.

SECOND: That said Complaint fails to state a cause of  
action with the particularity required by law.

  
ATTORNEY FOR DEFENDANT

The Defendant demands a trial by Jury of the  
issues in this cause.

  
ATTORNEY FOR DEFENDANT

RECORDED

Demurer

filed 10-7-47  
Cliff J. Smith  
V. Clerk

PEOPLES FERTILIZER COMPANY, PLAINTIFF

VS.

MORRIS TAYLOR, DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
LAW SIDE. NO. 1094.

I, Frank G. Horne, attorney for Morris Taylor, the Defendant in the above styled case do hereby certify that on the 17th day of March, 1948, I forwarded copies of the attached interrogatories to Hybart and Chason, Attorneys at law Bay Minette, Alabama, by letter duly addressed to them and properly stamped, as attorneys of record for Plaintiff.

  
ATTORNEY FOR DEFENDANT

PEOPLES FERTILIZER COMPANY, PLAINTIFF,    IN THE CIRCUIT COURT OF  
VS.     BALDWIN COUNTY, ALABAMA.  
MORRIS TAYLOR, DEFENDANT,                  LAW SIDE. NO. 1094.

INTERROGATORY NO. 1:- Is the amount claimed in this suit due under and by virtue of a mortgage or mortgages?

INTERROGATORY NO. 3:- Do not the mortgages cover the same indebtedness?

INTERROGATORY NO. 4:- Are not the two mortgages sued on in this cause evidences of one indebtedness?

INTERROGATORY NO. 5:- Please state the actual amount that you claim the Defendant is indebted to you at this time?

INTERROGATORY NO. 6:- Please state whether or not the mortgages secure an indebtedness due by the Defendant to the Plaintiff for fertilizer sold by the Plaintiff to the Defendant?

INTERROGATORY NO. 7:- Please attach hereto an itemized statement of the amount of fertilizer furnished, the dates furnished, and the amount of the charges against the Defendant for each of the items?

INTERROGATORY NO. 8:- Please state what credits if any have been given to the Defendant on the mortgages or notes sued on in this case and when the said credits were given?

INTERROGATORY NO. 9:- Is J. R. Harding an officer of the Plaintiff Corporation?



INTERROGATORY NO. 10:- Is J. R. Harding the general manager or the manager of the Plaintiff Corporation?

INTERROGATORY NO. 11:- Please state the extent of his duties and authority?

  
ATTORNEY FOR DEFENDANT

STATE OF ALABAMA

ESCAMBIA COUNTY

Personally appeared before me R. F. Cruik a  
Notary Public, Frank G. Horne, who being duly sworn deposes  
and says that Peoples Fertilizer Company is the Party Plaintiff in a  
suit now pending in the Circuit Court of Baldwin County, Alabama,  
wherein Morris Taylor is the Defendant, that Frank G. Horne, affiant  
is Attorney for Defendant in said cause, that the answers to the  
foregoing interrogatories will be material evidence upon the trial  
of the said cause in behalf of the said Defendant.

Sworn to and subscribed before me on this 17 day  
of ~~November~~ March 1948.

R. F. Cruik

of a copy of within  
Interrogatories on this  
the 2<sup>nd</sup> day of April 1948  
John Hodson  
Atty for Pla -

INTERROGATORIES

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE. NO. 1094

PEOPLES FERTILIZER CO.  
PLAINTIFF

VS.

MORRIS TAYLOR,  
DEFENDANT

FILED  
MAR 18 1948  
AUCE J. DICK, CLK  
FILED

CLERK

LAW OFFICES  
HORNE & HODNETTE  
ATMORE, ALABAMA